

IN THE CIRCUIT COURT OF PULASKI COUNTY, MISSOURI

RANDALL S. OEHLERKING,)
Plaintiff,)
vs.) Case No. CV506-2311CC
FIL-MOR EXPRESS, INC., and)
MICHAEL H. MORGAN,)
Defendants.)

NOTICE OF REMOVAL

COME NOW Defendants Fil-Mor Express, Inc. and Michael Morgan, by and through their attorney of record, Whiteaker & Wilson, P.C., pursuant to 28 U.S.C. § 1446 and Local Rule 5.1 of the Local Civil Rules of the United States District Court for the Western District of Missouri, and for their Notice of Removal, states, alleges, and avers to the Court as follows:

1. Upon information and belief, the parties are citizens of different States as:
 - a. Plaintiff, Randall S. Oehlerking alleges he is a resident of the State of Missouri; and
 - b. Defendant, Fil-Mor Express, Inc. is a resident of the State of Minnesota.
 - c. Defendant, Michael Morgan is a resident of the State of Oklahoma.
 2. Upon information and belief, the amount in controversy in the above matter, exclusive of costs, exceeds \$75,000.00.
 3. Plaintiff filed the pending Petition in the Circuit Court of Pulaski County, Missouri on December 21, 2006.
 4. The Circuit Court of Pulaski County, Missouri is within the Southern Division of the Western District of Missouri.

5. Filed herewith is a copy of all process, pleadings, and orders served upon Defendants, Fil-Mor Express, Inc. and Michael Morgan in this action, including Plaintiff's Summons and Petition (see attached Exhibit "A").

WHEREFORE, Defendants Fil-Mor Express, Inc. and Michael Morgan, respectfully request this Court remove the action styled as *Randall Oehlerking v. Fil-Mor Express, Inc. & Michael Morgan* Case No. CV506-2311CC from the Circuit Court of Pulaski County, Missouri.

WHITEAKER & WILSON, P.C.

By /s/ Richard E. Davis
RICHARD E. DAVIS
Missouri Bar No. 33691
DANIEL J. RICE
Missouri Bar No. 57632

Attorneys for Defendants

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CERTIFICATE OF SERVICE

I, Richard E. Davis, the undersigned, do hereby certify that a copy of the above and foregoing document therein was served upon all attorneys of record by: () filing electronically (ECF), () fax, () hand delivery, () overnight mail, and/or () mailing a copy to their respective offices, via First Class, U.S. Mail, postage pre-paid on this 1st day of February, 2007, as prescribed by law to the following persons:

Kenneth A. Wagoner
Brill & Wagoner, P.C.
204 West Main Street
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West Plains, Missouri 65775
Attorneys for Plaintiff

/s/ Richard E. Davis

Attorney of Record

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